IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL No: 1737 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 31/08/2004 in WP No: 22346 OF 2003 on the file of the High Court.)

Between:

1 District Cooperative Central Bank Ltd., Ongole, rep by General Manager, Ongole, Prakasham District
2 District Cooperative Central Bank Ltd., Chirala Branch, rep by Branch Manager, Cherala, Prakasam District

..... APPELLANTS

AND

N.V. Raghavaiah S/o Venkateswara Rao R/o Sampathnagar road, Gopalnagar, D. No. 12/129, Kothapet, Cherala, Prakasam District

.....RESPONDENT

Counsel for the Appellant: MR.R.V.NAGABUSHNAM RAO

Counsel for the Respondent: SMT.N.SHOBA

The Court made the following:

ORAL ORDER: (BY GB,J,)

The Writ Appeal is filed by the District Cooperative Central Bank Limited challenging the order dated 31-8-2004 passed by the learned Single Judge in W.P.No.22346 of 2003.

2. The disciplinary proceedings were initiated against the writ petitioner-employee by issuing charge memo dated 30-4-2003. In the mean while he attained the age of superannuation and retired from service on 31-5-2003. However, he was permitted to retire from service pending further disciplinary proceedings. Finally the enquiry officer held that the charges against the employee have been proved and the Bank has passed an order to recover certain amounts from the respondent-employee. Against the said order, the matter was carried under W.P.No.22346 of 2003.

3. Learned Single Judge holding that the Bank has no power to continue the disciplinary proceedings after the date of retirement by referring to the judgment of Supreme Court in **BHAGIRATHI JENA v BOARD OF DIRECTORS O.S.F.C. & OTHERS** held that the disciplinary proceedings are wholly without jurisdiction beyond the date of retirement. The said order was assailed in this Writ Appeal.

4. Learned counsel for the petitioner submits that the Management has inherent right to proceed against the employee and pending the departmental proceedings, he may be permitted to retire from service and therefore, the action of the Management cannot be said to be illegal and without jurisdiction.

5. We are afraid we cannot accept the contention raised by the learned counsel for the petitioner in the absence of any statutory procedure enabling the Management to proceed with the departmental enquiry against an officer beyond the date of retirement. It is not open for the authority to proceed against the employee and the Supreme Court was very categoric on this point in the decision referred by the learned Single Judge.

6. In view of the above decision, we do not find any illegality in the order passed by the learned Single Judge and accordingly the Writ Appeal is dismissed. No costs.

7. The appellant-Bank shall pay the retirement benefits to the employee within a period of four weeks from the date of receipt of a copy of this order.

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(G. BIKSHAPATHY, J.)

Date: 23-11-2004

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(P.S. NARAYANA, J.)

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To

1 The General Manager, District Cooperative Central Bank Ltd., Ongole, Ongole, Prakasham District.
2 The Branch Manager, District Cooperative Central Bank Ltd., Chirala Branch, Cherala, Prakasam District.

3 2 CD copies.